

No. 82/2001
 Filed today 6.1.2001
 by Shri
 For Registrar,
 M. P. State
 em. Tribunal,
 RAI PUR.

समक्ष माननीय राज्य प्रशासनिक अधिकरण मध्य प्रदेश, रायपुर

ओ. ए. कृ. ---/2001

अवेदकगण :-

- 1- एच.के. चन्द्राकर आयु 40 वर्ष
 आत्मज श्री चोवारांम चन्द्राकर
 पूर्व माध्यमिक शाला खोरा,
 डौडीलोहारा, जिला दुर्ग छ.ग.॥
- 2- श्रीमती किशोरेखा चन्द्राकर आयु 36 वर्ष
 आत्मज श्री एच.के. चन्द्राकर
 शासकीय प्राथमिक शाला आमारा
 बालोद, जिला दुर्ग छ.ग.॥
- 3- रघुबीर सिंह नायक, आयु 40 वर्ष
 आत्मज श्री हरिराम नायक
 शासकीय प्राथमिक शाला चारवाही
 बालोद, जिला दुर्ग छ.ग.॥
- 4- लखन लाल देवांगन आयु 38 वर्ष
 आत्मज श्री चोवारांम देवांगन,
 प्राथमिक शाला हेगरापर बालोद
 जिला दुर्ग छ.ग.॥
- 5- योगेश्वर सिंह विश्वकर्मा आयु 36 वर्ष
 आत्मज श्री हलाल खोर,
 प्राथमिक शाला बहगांव डौडी लोहारा
 जिला दुर्ग छ.ग.॥
- 6- भगवती प्रसाद दुबे आयु 39 वर्ष
 आत्मज श्री पुरन प्रसाद दुबे,
 पूर्व माध्यमिक शाला मरदा, डौडीलोहारा
 जिला दुर्ग छ.ग.॥

7- हुकाल राम साहू , आयु 35 वर्ष
आत्मज श्री जेठराम साहू ,
प्राथमिक शाला दुधली , डौंडीलोहारा
जिला दुर्ग छ. ग. छ.

8- श्रीमती सरोजनी यादव आयु 39 वर्ष
आत्मज पवन कुमार यादव
प्राथमिक शाला क्र. 2 बालोद जिला दुर्ग छ. ग.

9- चित्रांगद प्रसाद सोनकर आयु 38 वर्ष
आत्मज श्री विशाल सिंह सोनकर
प्राथमिक शाला कोहगा तोला , बालोद
जिला दुर्ग छ. ग. छ.

10- भूपेश कुमार दिल्लीवार आयु 41 साल
आत्मज श्री दोमन सिंह
पूर्व माध्यमिक शाला पीसेगांव
जिला दुर्ग छ. ग. छ.

11- मुक्तराम सावार् आयु 32 साल
पिता श्री आरती राम सावार्
प्राथमिक शाला भेंगारी , बालोद
जिला दुर्ग छ. ग. छ.

12- मीथर राम झंडारी आयु 42 साल
आत्मज अमर सिंह झंडारी
शासकीय उच्चतर माध्यमिक शाला बड़गांव
डौंडीलोहारा जिला दुर्ग छ. ग. छ.

13- रामाधार ठाकुर आयु 40 साल
आत्मज श्री बिजलाल ठाकुर
शासकीय पूर्व माध्यमिक शाला देवारभाठा
जिला दुर्ग छ. ग. छ.

14- बरातू राम नाग आयु 44 साल
आत्मज परदेशी राम नाग
प्राथमिक शाला दानीटोला डौंडीलोहारा
जिला दुर्ग छ. ग. छ.

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- 15- अमर कुमार साहू आयु 39 वर्ष
आत्मज छन्नु लाल साहू
पूर्व माध्यमिक शाला गुजरा डौंडी
जिला दुर्ग छ. ग. १
- 16- राम कुमार ठाकुर आयु 38 वर्ष
आत्मज लाल राम ठाकुर
प्राथमिक शाला चारवाहो बालोद
जिला दुर्ग छ. ग. १
- 17- पुरन लाल सिन्हा आयु 35 वर्ष
आत्मज रामेश्वर सिंह सिन्हा
पूर्व माध्यमिक शाला गुजरा डौंडी
जिला दुर्ग छ. ग. १
- 18- नेतराम पटेल आयु 44 साल
आत्मज श्री बोधीराम पटेल
शासकीय पूर्व माध्यमिक शाला चिल्हाटी
डौंडी लोहारा जिला दुर्ग छ. ग. १

बनाम-

अनावेदकगण :-

- 1- शासन - छत्तीसगढ़
टदारा सचिव
स्कूल शिक्षा विभाग, डी.के.एस. भवन,
रायपुर, छत्तीसगढ़
- 2- जिला शिक्षा अधिकारी
जिला दुर्ग छ. ग. १
- 3- विकास खंड शिक्षा अधिकारी
विकास खंड दुर्ग जिला दुर्ग छ. ग. १

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. (s) No. 3496 of 2005

Petitioners : Ubhay Lal Deshmukh
Versus
Respondents : State of Chhattisgarh & others

And

W. P. (s) No. 3497 of 2005

Petitioners : H.K. Chandrakar
Versus
Respondents : State of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri.**

Shri Y.C. Sharma, Advocate for the Petitioners.

Shri V.V.S. Moorthy, Deputy Advocate General with Smt. Anju Ahuja,
Deputy Govt. Advocate for the State/respondents.

ORDER

(31st October, 2006)

1. The petitioners are working as Assistant Teachers in the government schools. In the course of their services as Assistant Teachers, the petitioners have obtained B.Ed./B.T.I. examination certificates on their own expenses before 1.3.1999.
2. Writ Petition (s) No.s 3496/2005, and 3497/2005 are being disposed of by this common order as the facts and question of law involved in these petitions are common.
3. According to learned counsel for the petitioners, the petitioners are entitled to two advance increments in view of the decision of this Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another {2006 (II) MPJR-CG 96}. This Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), came to the conclusion that the teachers, who had obtained B. Ed. /B.T.I. Examination Certificate on their own expenses, are covered by the

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circular dated 24.12.98 issued by the State Government of Madhya Pradesh.

4. Further in the matter of Smt. Manorama Shrivastava Vs. State of M.P. and others { 2000 (1) M.P.L.S.R. 136 } the Madhya Pradesh State Administrative Tribunal, Gwalior Bench, while considering the circular dated 1.3.1999 wherein, it is provided that the Assistant Teachers, who have acquired B.Ed. degree at their own cost between 23.10.1964 and 7.5.1973 shall be entitled to two advance increments, relied on decision in the case of Rakesh Kumar Shrivastava Vs. State of M.P. & others passed in O.A.No. 1632/99, decided on 12.10.1999 wherein it is observed that the circular dated 1.3.1999 cannot be made applicable retrospectively. Thus, a teacher, may be Assistant Teacher, who has obtained B.Ed. degree before 1.3.1999 is entitled to two advance increments.
5. It is pointed out by learned counsel appearing for the petitioners that the then State of Madhya Pradesh had filed a Special Leave Petition against the orders passed by the Tribunal and the Hon'ble Supreme Court dismissed Special Leave Petition No. 1999/2000 filed against the order of the Tribunal. Therefore, the direction to the effect that the circular dated 1.3.1999 cannot be made applicable retrospectively, passed by the Tribunal, becomes final and the same shall be applicable to all the Assistant Teachers who have obtained B.Ed./B.T.I. examination certificate before 1.3.1999. It is further substantiated by a circular dated 17.10.2003 issued by the present State of Madhya Pradesh wherein the circular clearly states about the decision of the Supreme Court.
6. Learned counsel for the petitioners further submits that the facts and question of law involved in the present case are squarely covered by decision of this Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), to which learned counsel appearing for the respondents fairly concedes and agrees with the averment made by learned counsel appearing for the petitioners.

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7. Accordingly, the writ petitions are allowed in terms of the order passed in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), subject to verification of the fact as to whether the petitioners have acquired B.Ed./B.T.I. Examination Certificate on their own expenses as per the circulars dated 24.12.1998 and 1.3.1999 and further whether they have been paid two advance increments or not. No order as to costs.
8. A copy of this order be placed on record of connected matters.

Sd/-
Satish K. Agnihotri
Judge